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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/802,543 | 03/17/2004 | Chun-Tung Tsuo | 10113951 | 3713 |
| 34283 | 7590 | 10/20/2006 | EXAMINER | |
| QUINTERO LAW OFFICE 1617 BROADWAY, 3RD FLOOR SANTA MONICA, CA 90404 | | | DUONG, TAI V | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2871 | |

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/802,543

Applicant(s)

TSUO ET AL.

Examiner

Tai Duong

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/12/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 16-18, 28 and 35 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13-15, 19, 20, 22-26, 29, 32, 33 and 36 is/are rejected.
- 7) ☒ Claim(s) 21, 27, 30, 31, 34, 37 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Applicant's election without traverse of species A (claims 3, 15, 27 and 34) in the reply filed on 12/12/05 is acknowledged.

Claims 16-18, 28 and 35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/12/05.

Applicant's arguments with respect to claims 13-15, 19, 20, 22-26, 29, 32, 33 and 36 have been considered but are moot in view of the new ground(s) of rejection.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-15, 19, 20 and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Boudinot (US 2003/0025367).

Note Fig. 5 which identically discloses the claimed panel module, comprising a panel 8; a front frame 30a; and a rear frame 30b, connected to the front frame to position the panel therebetween, wherein the rear frame comprises a fastening portion (the unlabeled portions at the top corners of the rear frame 30b where the screws 32 are inserted) for a fastening device 32 to be mounted therein, and *a part of the fastening portion is extended to a back of the panel 8* (paragraphs 0036-0041). As to claim 15, the limitation "formed by lancing and bending the rear frame " is a *product-by-process* limitation. This product-by-process limitation has not been given patentable weight in

the product claim. It has been recognized that “[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.”. *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). As to claim 19, the rear frame 30b has a receiving portion 28b supporting the panel, a peripheral portion of the rear frame 30b located at the periphery of the receiving portion, and at least one fastening portion (the unlabeled portions at the top corners of the rear frame 30b where the screws 32 are inserted) for mounting a fastening device 32 therein, and a part of the fastening portion extends to a back of the receiving portion 28b.

Claims 25, 26, 29, 32, 33 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Boudinot (US 2003/0025367).

Note Fig. 5 which identically disclose the claimed flat panel display comprising a panel 8; a front frame 28a, disposed in front of the panel; a receiving portion 28b, disposed behind the panel; a peripheral portion of the rear frame 30b, located at the periphery of the receiving portion; a connecting portion (the unlabeled portions at the top corners of the rear frame 30b where the screws 32 are inserted), having an arm (a protrusion) and a connecting surface, the arm (the protrusion) connecting to the peripheral portion, the connecting surface connecting to the arm (the protrusion) substantially extending to a back of the receiving portion; and a housing 30a, engaged

with the panel 8 by the connecting surface of the connecting portion wherein a screw hole is formed on the connecting surface for a screw 32 to be mounted therein, and the housing 30a is fixed to the connecting portion by the screw 32 (paragraphs 0036-0041).

Claims 1 and 7 are allowed over the prior art of record because none of the prior art discloses or suggests flat panel display comprising: a housing; a panel module having a front frame, a rear frame, and a panel, the front frame being assembled with the rear frame to encase the panel, the rear frame having at least one connecting portion, and a part of the connecting portion being covered by the panel; and a main bracket, connecting the housing and the connecting portion of the rear frame. Claims 2-6 and 8-12 are also allowed since they depend on the allowed claims 1 and 7.

Claims 21, 27, 30, 31, 34, 37 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 21, 27, 30, 31, 34, 37 and 38 are allowed over the prior art of record because none of the prior art discloses or suggests a panel module or flat panel display having structure as recited in claim 19, claim 25 or claim 32 *in combination* with the feature "wherein the fastening portion is extended from the peripheral portion for a predetermined distance and bent to the back of the receiving portion", "wherein the connecting portion is an L-shaped protrusion, and the connecting surface is positioned at a top of the L-shaped protrusion", or "a bracket, positioned between the connecting portion and the housing, and the connecting portion and housing respectively connected to the bracket at different locations".

Art Unit: 2871

Any inquiry concerning this communication should be directed to Tai Duong at telephone number (571) 272-2291.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

TD

TVD

10/06


TOANTON
PRIMARY EXAMINER